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Discussion on the special theme for the year: "Indigenous peoples: development with culture and identity: articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples"

Human rights: implementation of the United Nations Declaration on the Rights of Indigenous Peoples

Information received from Governments

Denmark

Summary

The present document provides information on the new human rights strategies of the Government of Denmark, with a particular focus on indigenous peoples. In the light of Denmark's current chairmanship of the Arctic Council, the document also reports on the Council and on indigenous communities of the Arctic. Finally, the report provides an overview of Danish-supported development programmes for indigenous peoples in Latin America and Asia.

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I. New human rights strategies of Denmark

1. In 2009, in an illustration of the key importance that Denmark attaches to the promotion and protection of human rights throughout the world, its Government launched a new strategy for its approach to international human rights cooperation. Recognizing that it is not possible to take maximum action in all fields simultaneously and that the current human rights challenges demand targeted and focused responses, the Government will, as part of the strategy, commit itself in particular to a number of focus areas in which Denmark is in a special position to make a difference. One such area is the rights of indigenous peoples.

2. Indigenous peoples are particularly vulnerable to human rights violations in some contexts, including in the face of new challenges such as climate change. To the extent that the rights of indigenous peoples are recognized — which has often not been the case — one of the great challenges is to ensure respect for and compliance with those rights. This is a welcome and defining issue for the Danish Government, as the Home Rule Arrangement and Self-Government Arrangement for Greenland provide Denmark with a special basis for promoting and protecting indigenous peoples' rights. Thus, under the strategy, Denmark will, "in cooperation with the Greenland Home Rule Government, promote and protect the rights of indigenous peoples".

3. In June 2009, in addition to the strategy on international human rights cooperation, the Danish Government launched a strategy entitled "Democratization and human rights: for the benefit of the people", outlining a set of strategic priorities for Danish support for good governance. This strategy focuses on the promotion of democracy, justice and the rule of law in developing countries and accords high priority to the participation and voice of marginalized groups as a key aspect of that effort. Indigenous peoples often fall into the category of marginalized groups and, accordingly, are given explicit mention throughout the strategy. Together, the two new Danish strategies will serve as a solid framework for Denmark's continued effort to promote and protect the rights of indigenous peoples.

Support for the United Nations Trust Fund on Indigenous Issues

4. In line with recommendation 36 of the recommendations addressed to Member States resulting from the eighth session of the Permanent Forum, the Danish Government provides financial support to the United Nations Trust Fund on Indigenous Issues. In accordance with the Government's priorities, Denmark has recently decided to more than double its support to the Trust Fund during the four-year period 2010-2013. The total Danish support during that period will thus amount to DKK 4 million (approximately $760,000) reflecting the great importance that the Danish Government attaches to the promotion of the rights of indigenous peoples.

II. Arctic Council

5. The Kingdom of Denmark is the current Chair of the Arctic Council (2009-2011) and, as such, takes the opportunity to report the following with regard to the Council and indigenous communities of the Arctic.

6. The 1996 Ottawa Declaration formally established the Arctic Council as a high-level intergovernmental forum to provide a means for promoting cooperation,

coordination and interaction among the Arctic States, with the involvement of the Arctic indigenous communities and other Arctic inhabitants on common Arctic issues, in particular issues of sustainable development and environmental protection in the Arctic. The States members of the Arctic Council are Canada, Denmark (including Greenland and the Faroe Islands), Finland, Iceland, Norway, the Russian Federation, Sweden and the United States of America. In addition to the member States, the Arctic Council includes the category of permanent participants. This category is open equally to Arctic organizations of indigenous peoples, with a majority of the Arctic indigenous constituency representing: (a) a single indigenous people resident in more than one Arctic State; or (b) more than one Arctic indigenous people resident in a single Arctic State. The category of permanent participation was created to provide for the active participation of, and full consultation with, the Arctic indigenous representatives within the Arctic Council. This principle applies to all meetings and activities of the Council. The following organizations are permanent participants of the Arctic Council: the Aleut International Association, the Arctic Athabaskan Council, the Gwich'in Council International, the Inuit Circumpolar Council, the Saami Council and the Russian Association of Indigenous Peoples of the North.

III. Danish-supported development programmes for indigenous peoples

A. Bolivia

7. In Bolivia, the bilateral sector programme entitled "Support for the rights of indigenous peoples" supported by Denmark, was recently completed after 10 years of implementation. While its first phase was based on a concept of popular participation and decentralization, with explicit components in favour of indigenous peoples, the second phase (2005-2009) was an indigenous programme inspired by International Labour Organization (ILO) Convention No. 169, the indigenous territory dimension of Bolivian land reform and the challenge of the Permanent Forum to directly involve indigenous peoples directly in the design of development programmes and as beneficiaries of such programmes.

8. Over the past five years, approximately $30 million has been invested in the development of three components in collaboration with the Government of Bolivia, indigenous organizations and non-governmental organizations: (a) implementing ILO Convention No. 169 in terms of public policy, legislation and political participation; (b) providing legal land titles to indigenous territories; and (c) promoting the management of indigenous territories. The election of the first indigenous President in Latin America in 2005 and a Bolivian Government committed to indigenous rights have certainly contributed to the successful implementation of the programme and to promising results. Furthermore, Bolivia adopted the United Nations Declaration on the Rights of Indigenous Peoples as national law in 2007 and thus far is the only Member of the United Nations to have made the Declaration legally binding.

9. The results of the programme can be summarized by citing the achievements resulting from the implementation of its components. The mainstreaming of indigenous rights and ILO Convention No. 169 are reflected in the new Bolivian

Constitution of 2009, as well as in specific policies formulated and applied by the ministries of education, health, justice, labour, defence, autonomy, rural development and culture, as well as by inter-ministerial commissions on vulnerable peoples and forced labour. This component was implemented together with the Ministry of the Presidency. The second component, on communal land titles, was implemented mainly by the National Land Reform Institute, which provided 101 communal land titles, representing some 140,000 km2, or approximately 14 per cent, of Bolivia's national territory. The Vice Ministry of Lands participated in this process through the certification of indigenous lands and the analysis of potential land use. The indigenous organizations Consejo Nacional de Ayllus y Marckas del Qullasuyu and Confederación de Pueblos Indígenas de Bolivia (CIDOB) were partners in implementing the component, and non-governmental organizations provided technical support. The third component, focusing on indigenous land management, provided support to already titled communities in formulating their own development plans, in collective management regulation and in pilot projects. In recent years, CIDOB, non-governmental organizations and the Vice Ministry of Lands have implemented pilot projects in 25 indigenous territories.

10. The programme was completed to the satisfaction of the indigenous communities, as well as to that of the Governments of Bolivia and Denmark. The priorities of the programme proved to be very relevant and reflected the success of a participatory process of preparation involving indigenous peoples and their organizations. Bolivia and Denmark have agreed to continue to provide support to indigenous communities by mainstreaming the indigenous dimension in all sectoral programmes.

B. Central America

11. In Danish development programmes in Central America, indigenous peoples have always been not only a cross-cutting theme, but also the subject of focused intervention, given the high percentage of indigenous populations in the region. The following provides information about some of the key development programmes within the framework of the Danish effort to promote and protect the rights of indigenous peoples in the region, with a special focus on Nicaragua.

Human rights and democracy programme

12. Denmark has supported the promotion of human rights and democracy in Central America since the beginning of the 1990s. Initially, this support was directed towards the peace and reconciliation processes after the end of the civil wars in the region, which caused great suffering, particularly on the part of the indigenous peoples. Gender and ethnicity were integrated as transversal issues at all levels of the Human Rights and Democracy Programme and were reflected in specific lines of action. These included the promotion of women's and indigenous peoples' leadership and empowerment as part of the democratic process, and the creation of a culture of peace as stipulated in the peace accords, with a specific focus on the accord on indigenous rights. In 2005, the focus of the Human Rights and Democracy Programme in Central America shifted towards access to justice and transparency, with gender and indigenous peoples, and particularly indigenous women, as cross-cutting issues. Specific areas supported are providing access to justice for indigenous peoples in collaboration with their organizations, and

focusing on civil society participation, anti-discrimination, human rights advocacy, multicultural bilingual activities, poverty alleviation and political participation at all levels. Furthermore, the programme seeks to promote activities at the regional level related to the basic human, social, economic and cultural rights of indigenous peoples.

Regional environmental programme

13. Traditionally, the participation of indigenous peoples in political and legal decision-making has been limited with regard to economic development and environmental management in Central America. Therefore, the Regional Environmental Programme supports initiatives to reduce inequality and discrimination concerning indigenous peoples. Support for "eco-enterprises", one component of the programme, promotes a linkage between indigenous producers and the market while preserving the cultures and identities of indigenous peoples. For example, among the activities related to environmental investigation and advocacy, several initiatives receiving support promote the identities and cultures of indigenous peoples by strengthening their participation in the promotion of environmental management through political advocacy, strengthening the organizational capacity of indigenous peoples in their struggle to defend their territories, preparing and implementing an indigenous women's strategy for the conservation of biodiversity and traditional knowledge, and providing advocacy in the implementation of Government policies aimed at the sustainable management of natural resources.

National environmental programme in Nicaragua

14. Likewise, in the national programmes being carried out in Nicaragua, indigenous peoples are supported either as a cross-cutting issue or through specific, focused activities. Since its inception, the National Environmental Programme has promoted indigenous peoples' right to land by supporting land-titling processes, especially in the two largest natural reserves, in the south-eastern and northern parts of the country. With a view to the management of the protected areas, the programme has adopted a strategy supporting access to and the sustainable use of natural resources by indigenous communities. The programme thus promotes a number of activities, such as traditional forms of organization, the use of ancestral practices in the utilization of resources, and the promotion of coordination and understanding among indigenous peoples and Government/official planning schemes for protected areas and traditional modes of land use. Similarly, in order to ensure viability in the use of natural resources and to prevent intrusion by settlers into protected areas, special attention is accorded not only to the implementation of regulation and control efforts, but also, and perhaps more important, to the promotion of economic alternatives that are not alien to the traditional subsistence practices of indigenous peoples in the buffer zones of the protected areas. The programme has helped to deepen recognition and understanding of traditional indigenous cultures and practices as a means for the protection and sustainable use of natural resources.

Transport programme in Nicaragua

15. In the Transport Programme, the component focusing on rural transport infrastructure ensures deep community involvement in the planning, execution and

maintenance of the works, thus respecting the cultures and identities of indigenous communities and taking their development needs into account. A great many projects have been implemented in indigenous communities. Several advisers speak and understand the languages of various indigenous peoples and demonstrate an understanding of their cultures.

Education programme in Nicaragua

16. The identities and cultures of indigenous peoples, especially in the two autonomous regions along the Caribbean coast, are also supported through the Education Programme, which seeks to promote bilingual education within indigenous communities.

National human rights programme in Nicaragua

17. Finally, a special fund for civil society within the framework of the National Human Rights Programme supports a variety of activities that focus in particular on indigenous peoples. Examples include the following: promoting and consolidating the social, economic, political and cultural rights of indigenous peoples by strengthening leadership, identity and capacities for advocacy and coordination among indigenous leaders; strengthening the capacities of local civil society structures in the indigenous communities in the Northern Autonomous Region so as to enable the indigenous peoples to administer, defend and preserve their territorial and environmental resources and thus improve the quality of life; increasing awareness among indigenous peoples with regard to citizen participation; and creating a network of indigenous and ethnic women against domestic and sexual violence, from a perspective of respect for multi-ethnic and multicultural identity.

C. Bangladesh

18. Some 3 million indigenous people, belonging to 45 ethnic groups, live in Bangladesh. Indigenous peoples in Bangladesh remain among the most marginalized and poorest groups in the country and have inadequate access to education and health-care services. Furthermore, indigenous peoples are often denied their lawful right to land. Against that backdrop, and in line with Danish development assistance priorities, the Embassy of Denmark in Dhaka supports a long list of development programmes for indigenous peoples in Bangladesh in order to uphold their rights. The programmes supported by the Embassy address a broad range of issues relevant to the sustainable development of indigenous peoples and are implemented by a variety of local and international institutions and non-governmental organizations. The following provides an overview of some of those programmes.

19. One programme, entitled "Empowering People for Land, Water and Agrarian Reforms", which began in January 2008 and will conclude in December 2010, is aimed at building the capacity of primary stakeholders and partners to defend the right of indigenous peoples to land and natural resources. The project is focused exclusively on advocacy on behalf of the land rights of indigenous peoples. It also supports the secretariat of the international Chittagong Hill Tracts Commission. The local implementing organization of the project is the Association for Land Reform and Development.

20. Another programme supported by Denmark is the Adivashi Gono Unnayan project, implemented by Oxfam. The project was launched in April 2006 and is expected to run until December 2010. Its objective is to enhance the capacity of indigenous organizations at the community, regional and national levels to assert their rights. The project has successfully organized women's groups and has saved trade unions and bilingual pre-primary schools. Currently, 189 such schools are functioning, with a total of 5,184 students, 48 per cent of whom are girls. The project also promotes access to land and facilitates solutions to land disputes. In addition, it carries out advocacy programmes promoting the rights of indigenous peoples. The Danish embassy has supported this project with DKK 9.5 million (approximately $1.8 million).

21. The programme entitled "Building capacities on indigenous and tribal peoples' issues in Bangladesh" is aimed at enhancing the capacities of certain Government officials, who in turn will help to promote the rights of indigenous peoples. The project, which is being implemented by ILO, has begun to develop a detailed advocacy strategy on indigenous peoples' rights in Bangladesh, including the possible ratification of ILO Convention No. 169 by the Government.

22. Finally, the programme entitled "People's action for sustainable development/good governance in Chittagong Hill Tracts" seeks to develop coordination between indigenous communities and local government institutions in promoting human rights and good governance in order to improve the living conditions of indigenous peoples. Thus far, 150 indigenous communities in Chittagong Hill Tracts have benefited from this project, which is being implemented by the local organization Zabarang Kalyan Samity.

23. For a complete list of Danish-supported development programmes related to indigenous peoples in Bangladesh, see Annex.

D. Nepal

Indigenous peoples' rights in the constitution-making and State-reform process in Nepal

24. In Nepal, indigenous peoples constitute 37.2 per cent of a total population of 22.7 million, according to the 2001 census. The National Foundation for Development of Indigenous Nationalities Act, adopted in 2002, identified 59 distinct groups as indigenous peoples (indigenous nationalities) speaking more than 96 languages/dialects. Indigenous peoples are concentrated primarily in remote rural areas and rely mainly on subsistence farming as their livelihood. With few exceptions, Nepal's indigenous peoples live in abject poverty. Between one third and two thirds of the numbers of the indigenous population live below the poverty line, compared with 18 per cent of the members of the dominant castes. Moreover, they are underrepresented in the civil service, the police and the army.

25. The social exclusion of indigenous peoples and other marginalized groups in Nepal has been a major cause of conflict and instability in the country. Indigenous peoples in Nepal are particularly vulnerable to poverty, and most experience political, economic, social and cultural marginalization. With the reintroduction of democracy and the initiation of a national peace process in 2006, indigenous peoples' issues have been brought to the forefront of the national debate in Nepal. A

significant effort carried out by those in the indigenous movement has resulted in strong indigenous representation (36 per cent) in the Constituent Assembly, which has been tasked with drafting the new Constitution.

26. In 2007, Nepal ratified ILO Convention No. 169. This was the result of a sustained lobbying effort by indigenous peoples and activists in Nepal. The Convention has been widely promoted as a framework for dialogue on key issues raised by those in the national indigenous peoples' movement. The most immediate concern of the movement is ensuring that the rights of indigenous peoples are enshrined in the new Constitution, the first draft of which is due to be submitted by May 2010. A key demand in that regard is the achievement of a secular, federal State system in which their rights to self-determination and to ethnic and linguistic autonomy are ensured, including through affirmative action and proportional representation.

27. A year after Nepal's ratification of ILO Convention No. 169, the national programme entitled "Promotion of indigenous peoples' rights in the Constitution-making and State-reform process in Nepal" was initiated. The project is financed by the Governments of Denmark and Norway and is being implemented in partnership with the Government of Nepal and indigenous peoples' organizations. It promotes the rights of indigenous peoples in Nepal through support for the implementation of Convention No. 169. It seeks to use the Convention as a framework for dialogue and consultation between indigenous communities and government to ensure that indigenous peoples' rights are integrated into the reform process.

28. The main objectives of the project are: (a) to support meaningful consultation with and participation by indigenous councils and communities in the Constitution-making process; and (b) to support the capacity of key policymaking institutions to integrate ILO Convention No. 169 into the State-reform process.

29. The expected outputs of the programme include the following: video documentation and proposals enabling indigenous communities to present their issues to legislators in the Constituent Assembly; consultations between Assembly members and indigenous communities on key issues (land and natural resources, governance structures, employment, education and cultural rights); awareness-raising, training and capacity-building on Convention No. 169 for Assembly legislators and indigenous councils; coordination among Government institutions and agencies on indigenous issues; strengthened mechanisms for consultation with indigenous peoples at various levels of governance; the establishment of inclusive and comprehensive mechanisms for monitoring compliance with indigenous peoples' rights; technical support for the review and reform of existing legislation, policies and programmes to ensure compliance with Convention No. 169; and the capacity development of Government institutions and other stakeholders with a view to the successful implementation of the Convention.

30. The total budget amounts to $1.2 million and is financed in equal part by Denmark and Norway. The project is under implementation and has produced solid results within each of the expected output areas, but some delays have been encountered. While the original target date for completion was April 2010, it is now expected to be pushed back to late in 2010 or early in 2011.

Annex

Danish-supported development programmes related to indigenous peoples in Bangladesh

1. Title: Enforcement of Local Institutional Laws Focusing Public Awareness

   Implementing organization: Nowzuwan

   Budget: 1 million Danish kroner (DKr) (approximately $190,000 United States dollars)

   Period: August 2009 to January 2012

2. Title: Observance of the International Day of the World's Indigenous Peoples 2009

   Implementing organization: Bangladesh Adivashi (Indigenous) Forum

   Budget: DKr 64,000 (approx. $12,000)

   Period: July 2009 to September 2009

3. Title: Building Capacities on Indigenous and Tribal Peoples' Issues in Bangladesh

   Implementing organization: International Labour Organization (ILO)

   Budget: DKr 1.3 million (approx. $250,000)

   Period: October 2009 to December 2010

4. Title: Adivashi Gono Unnayan Project

   Implementing organization: Oxfam Great Britain

   Budget: DKr 9.5 million (approx. $1.8 million)

   Period: April 2006 to December 2010

5. Title: Empowering People for Land, Water and Agrarian Reforms

   Implementing organization: Association for Land Reform and Development

   Budget: DKr 2.4 million (approx. $450,000)

   Period: January 2008 to December 2010

6. Title: Peoples Action for Sustainable Development/Good Governance in Chittagong Hill Tracts

   Implementing organization: Zabarang Kalyan Samity

   Budget: DKr 2.6 million (approx. $500,000)

   Period: January 2006 to December 2010

7. Title: Consolidating Community Rights over Natural Resources

   Implementing organization: Taungya

   Budget: DKr 1.5 million (approx. $285,000)

   Period: January 2008 to December 2010

8. Title: Development Intervention for Advancement of CHT and its inhabitants Phase III

   Implementing organization: CODEC

   Budget: DKr 1 million (approx. $190,000)

   Period: January 2008 to December 2010

9. Title: Promotion and Strengthening of Local Governance in Bandarban district, Chittagong Hill Tracts

   Implementing organization: Toymu

   Budget: DKr 2.7 million (approx. $510,000)

   Period: April 2008 to December 2010